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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH – CENTRAL DIVISION

<p>UNITED STATES OF AMERICA, ex rel., KELLY E. SORENSON Plaintiff, vs. WADSWORTH BROTHERS CONSTRUCTION COMPANY, INC., Defendant.</p>	<p>REQUEST TO SUBMIT FOR DECISION ON DEFENDANT’S MOTION FOR ATTORNEYS’ FEES ON APPEAL</p> <p>Civil No. 2:16-CV-00875-CW-CMR</p> <p>Judge Clark Waddoups</p> <p>Magistrate Judge Cecilia M. Romero</p>
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Defendant Wadsworth Brothers Construction Company, Inc., (“Wadsworth”) hereby submits its Request to Submit for Decision on Wadsworth’s Motion for Attorneys’ Fees on appeal. Plaintiff Kelly Sorenson (“Sorenson”) appealed the rulings of the District Court to the United States Court of Appeals, 10th Circuit (the “Court of Appeals”). Sorenson appealed the District Court’s order dismissing Sorenson’s claims (ECF No. 24) and award of summary judgment to Wadsworth (ECF No. 41). Sorenson,

in his opening appeal brief, also challenged the District Court's February 3, 2021 ruling that Sorenson's claims were frivolous and the award to Wadsworth of its attorneys' fees and costs (ECF No. 52 and 58).

On September 9, 2022, after the briefing and hearing of oral arguments, the Court of Appeals ruled in Wadsworth's favor and affirmed the District Court's judgment. Thereafter, Wadsworth filed a motion with the Court of Appeals seeking its attorneys' fees on appeal. On November 8, 2022, the Court of Appeals, like the District Court previously, ruled that Sorenson's appeal was frivolous under §31 U.S.C. 3730(d)(4) and granted Wadsworth's Motion for Attorneys' fees on appeal. The Court of Appeals then remanded to the District Court to determine the amount of the award.

The Motion for Attorneys' Fee on appeal has been fully briefed as follows, and all documents listed below are attached as exhibits hereto:

1. On October 3, 2022, Wadsworth filed its Motion for Attorneys' Fees with the Court of Appeals, together with an Itemized Statement and Attorney Affidavit in support of the requested attorneys' fee amount.
2. On October 17, 2022, Sorenson filed its Response to Wadsworth's Motion for Attorneys' Fees. Specifically, Sorenson opposed the amount and the reasonableness of the attorneys' fees. See Response, pp. 11-12.

3. On October 21, 2022, Wadsworth filed its Reply in support of its Motion for Attorneys' Fees. Specifically, Wadsworth responded to Sorenson's opposition to the fee amount and its reasonableness. See Reply, pp. 4-5.
4. On November 8, 2022, the Court of Appeals granted Wadsworth's Motion for Attorneys' fees and remanded to the District Court to determine the amount of the attorneys' fee award.
5. On November 8, 2022, the Court of Appeals issued its supplemental mandate to the District Court notifying it of the fee order.

The matter having been fully briefed; Wadsworth submits for decision to the District Court the issue to determine the amount of Wadsworth's appellate attorneys' fee award.

DATED this 15th day of November 2022.

WILFORD BEESLEY, P.C.
A Professional Corporation

By: /s/ Wilford A. Beesley III
Wilford A. Beesley III
Jonathon T. Tichy
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November 2022, I electronically filed the foregoing **REQUEST TO SUBMIT FOR DECISION ON DEFENDANT’S MOTION FOR ATTORNEYS’ FEES ON APPEAL** with the Clerk of the Court using the courts CM/ECF system, which will send an email notification of such filing to the following:

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